

USDOL/OALJ Reporter

[England v. Raytheon \(Ebasco Contractors, Inc.\)](#), 95-ERA-21 (ALJ Apr. 4, 1995)
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DATE: April 4, 1995
CASE NO.: 95-ERA-00021

In the Matter of

MURRELL ENGLAND

Complainant

v.

RAYTHEON (EBASCO CONTRACTORS, INC.)

Respondent

Appearances:

Murrell England, *Pro Se*

Jeffrey H. May, Esquire
for Respondent

BEFORE: ROBERT D. KAPLAN
Administrative Law Judge

*RECOMMENDED DECISION AND ORDER
APPROVING SETTLEMENT AND DISMISSING COMPLAINT*

This case arises under Section 210 of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. § 5851 ("the Act"). The Act protects employees who assist or participate in actions to carry out the purposes of the federal statutes regulating the nuclear energy industry.

On October 26, 1994 Complainant, Murrell England, filed a complaint with the Administrator, Employment Standards Administration, Wage and Hour Division (the Administrator) which alleged that Respondent had failed to hire him at its Watts Bar Nuclear Power Plant because of his past protected activities under the Act. On January 20, 1995 the Administrator issued a

[PAGE 2]
determination letter finding that no violation of the Act had occurred. On January 24, 1995 Complainant appealed the Administrator's determination to the Office of Administrative Law

Judges. A formal hearing was held before me on February 28, 1995 in Chattanooga, Tennessee. At the commencement of the formal hearing the parties stated that they had agreed to settle the case.

The terms of the settlement are memorialized in a "Memorandum of Settlement" executed by the parties. By mutual agreement the terms of the settlement are to remain confidential. After questioning Complainant on the record regarding the gravamen of his Complaint and reviewing the terms of the settlement, I find that Complainant understands the terms of the settlement and that the terms of the settlement are fair, adequate, and reasonable. Therefore, I recommend that the Secretary approve the settlement and dismiss the Complaint.

RECOMMENDED ORDER

It is hereby ORDERED that:

1. The settlement reached between the parties In the Matter of Murrell England, Complainant v. Raytheon (Ebasco Contractors, Inc.), Respondent (95-ERA-00021) is APPROVED.
2. The Complaint of Murrell England In the Matter of Murrell England, Complainant v. Raytheon (Ebasco Contractors, Inc.), Respondent (95-ERA-00021) is DISMISSED.

ROBERT D. KAPLAN
Administrative Law Judge

Camden, New Jersey

NOTICE: This Recommended Decision and Order and the administrative file in this matter will be forwarded for review by the Secretary of Labor to the Office of Administrative Appeals, U.S. Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210. The Office of Administrative Appeals has the responsibility to advise and assist the Secretary

[PAGE 3]
in the preparation and issuance of final decisions in employee protection cases adjudicated under the regulations at 29 C.F.R. Parts 24 and 1978. See 55 Fed. Reg. 13250 (1990).